HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12594 of 2017

ORDER:

The present writ petition is filed declaring the action of the 2nd respondent in not affecting the registration in respect of the gift settlement deeds executed in favour of the daughter and grand daughter of the petitioner in respect of the land in R.S.No.249/7 admeasuring Ac.0.05 cents each situated at Avanigadda Village and Mandal, Krishna District, as illegal and arbitrary.

Section 71 of the Registration Act, 1908 (for short 'the Act') reads as follows:

> Reasons for refusal to register to be recorded.—
>
> (1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.
>
> (2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

As per Section 71 of the Act (for short "the Act"), the 2nd respondent is bound to receive the documents and register, if the same are in order as per the Indian Stamp Act, 1899 and the Registration Act and Rules made thereunder. Otherwise he shall record the reasons for refusal of the registration.

In view of the above, respondent No.2 is directed to register the document presented by the petitioner, if the subject lands are not included in the list of prohibited properties prepared under Section 22-A of the Act or any injunction order prohibiting registration of subject land is operating and same is in order as per provisions of Indian Stamp Act, 1899 and the Registration Act and the Rules made thereunder. Otherwise he shall record the reasons for refusal of the registration and communicate the same to the parties.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.RAJASHEKER REDDY,J

10.04.2017
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